

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACTORS' EQUITY ASSOCIATION,

Petitioner,

-v-

PARADISE SQUARE PRODUCTION SERVICES INC.,

Respondent.

22 Civ. 7325 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 30, 2022, petitioner filed a petition to confirm an arbitral award. Dkt. 4. On September 12, 2022, petitioner filed proof of service on respondent, indicating that respondent had been served on September 7, 2022, making its answer due September 28, 2022. Dkt. 8. Respondent has not responded to the petition or otherwise appeared in this action.

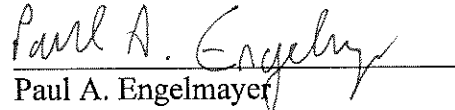
“[G]enerally a district court should treat an unanswered . . . petition to confirm/vacate [an arbitration award] as an unopposed motion for summary judgment.” *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 110 (2d Cir. 2006). The Court therefore will treat the petition as an unopposed motion for summary judgment. *See id.* at 109–10; *see also Primex Plastics Corp. v. TriEnda LLC*, No. 13 Civ. 321 (PAE), 2013 WL 1335633, at *2 (S.D.N.Y. Apr. 3, 2013). On an unopposed motion for confirmation of an arbitration award, “a court ‘may not grant the motion without first examining the moving party’s submission to determine if it has met its burden of demonstrating that no material issue of fact remains for trial. If the evidence submitted in support of the summary judgment motion does not meet the movant’s burden of production, then summary judgment must be denied *even if no opposing evidentiary matter is presented.*’” *D.H.*

Blair & Co., 462 F.3d at 110 (emphasis in original) (quoting *Vt. Teddy Bear Co. v. 1-800 Beargram Co.*, 373 F.3d 241, 244 (2d Cir. 2004)).

The Court recognizes that petitioner has submitted, in support of its petition, the contract between the parties, the arbitral award, and other materials relating to the award. Because the Court will treat petitioner's motion as one for summary judgment, the Court hereby grants petitioner the opportunity to submit any additional supporting materials by October 17, 2022. Respondent's opposition, if any, is due October 31, 2022. Plaintiffs' reply, if any, is due November 7, 2022.

Petitioner shall serve this Order upon respondent and file an affidavit reflecting such service on ECF by October 7, 2022.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: October 3, 2022
New York, New York